

**VILLAGE OF RED HOOK
ZONING BOARD OF APPEALS MEETING
August 24, 2023**

Present: Chair Erik Cuthell, Member David Javsicas, Member Sherry Ou-Yang and Member Kristin Luks

Absent: Member Maarten Reilingh

Chair Cuthell opened the August 24, 2023 Zoning Board of Appeals Meeting at 6:30pm.

Chair Cuthell announced members present and that there was a quorum for tonight's meeting.

Chair Cuthell announced that this will be Member Ou-Yangs last meeting as ZBA Member and thanked her for her service and wished her well.

Chair Cuthell asked the Board if there were any questions regarding the July 27, 2023 meeting minutes. No comments.

Chair Cuthell made a motion to accept and approve the meeting minutes of the ZBA dated July 27, 2023. Motion seconded by Member Javsicas. All in favor. Motion approved.

#1. Michael & Lisa Gervais	2 Cambridge Drive	Area Variance
Tax Parcel ID 6272-14-258489		

Present: Michael & Lisa Gervais

Chair Cuthell advised that applicants originally were asking for an area variance to keep an already constructed 6 foot side yard fence due to property being a corner lot and with corner lots being considered as 2 front yards which would only allow 3 feet in height per Zoning Section 200-16-(26)(a) but applicants have since changed their idea to remove panels of the side yard fence and keep only a few to create an enclosed backyard on their property. Applicants are still seeking an area variance for 6 foot in height panels at the rear end of the side yard (which is still considered a front yard per Zoning). Mr. Gervais said yes but felt it was their backyard.

Chair Cuthell advised applicants constructed the fence to match an already existing fence on their property. Mr. Gervais said exactly.

Chair Cuthell asked if all members did a site visit. All present advised yes.

Applicants advised the Board that they were just trying to do the same as what their neighbor had done and create an enclosed private backyard.

Chair Cuthell asked if the long fence there now will go away. Mr. Gervais said yes. Mrs. Gervais said they just want to make a safe private backyard.

Chair Cuthell asked members if they looked over the applicant and if they felt it was complete. Members all agreed the application was complete.

Chair Cuthell advised this Board will accept as complete and set a public hearing,

Chair Cuthell advised applicants that this Board will need to clarify exactly where you intend to stop the 6 foot fence and asked if you intend to keep continuing it at a shorter height (the required 3 foot). Mrs. Gervais said they just want to stop it at the side of the house. Chair Cuthell said ok and then have open yard. Mrs. Gervais said that the whole side would be gone.

Chair Cuthell asked applicants to mark the fence with a ribbon to indicate where they intend to stop the fence. Member Javsicas said this Board has a copy of a survey showing where it is. Mr. Gervais said right to the rear of the garage is where they intend to come across.

Chair Cuthell said this Board will have to have specifics and in doing any kind of variance applicants should do the minimum allowed or needed. Mr. Gervais said it will be about 60 feet back and start at the garage.

Chair Cuthell said this Board needs exact measurements for next month's meeting.

Chair Cuthell felt this application would be a Type II Action with no further environmental review.

Applicants asked about the neighbor and their fence. Member Javsicas advised this Board only finds out about things if someone reports it to the Code Enforcement Officer and it gets sent to this Board and that this Board cannot grant a variance based upon others not being compliant.

Chair Cuthell made a motion to set a public hearing for the area variance application for 2 Cambridge Drive listed under Tax Parcel ID 6272-14-258489 to September 28, 2023 at 6:30pm. Motion seconded by Member Luks. All in favor. Motion approved.

Secretary Hart provided applicants with a list of all residents within 200 feet for mailing of public hearing notice.

Chair Cuthell made a motion to table the area variance application for 2 Cambridge Drive listed under Tax Parcel ID 6272-14-258489 to September 28, 2023 at 6:30pm. Motion seconded by Member Ou-Yang. All in favor. Motion approved.

Chair Cuthell made a motion to adjourn the Zoning Board of Appeals meeting of August 24, 2023 at 6:44pm. Motion seconded by Member Luks. All in favor. Motion approved.

NOTE: Meeting was adjourned but applicants asked if they could take down the fencing prior to the next meeting. Chair Cuthell advised if you were taking them down anyway then that is ok.

Lara Hart,
Secretary, Village of Red Hook ZBA